IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

APPEAL FROM ORDER NO.939 OF 2004 .

IN

SPECIAL CIVIL SUIT NO.377 OF 2004

Shri Jaywant Sukur Vaity : Appellant.

versus

Mrs.Vithabai Vasant Patil & ors.: Respondents.

Mr.Y.S.Jahagirdar with Mr.Aditya Chitale for the appellant.

Mr.N.V.Walawalkar with Mr.R.D.Suryawanshi for Respondent No.1.

CORAM : D.G.DESHPANDE,J.

DATED : 22nd February 2005.

ORAL ORDER

1. Heard advocates for the appellant and respondents. Appellant is the original defendant. A suit came to be filed against him before the Civil Judge, Sr.Division, Thane by the

respondent No.1 for partition of his share in the property. The contention of the appellant was that the revenue record, since last more than 20 years, stands in his name and, therefore, he cannot be injuncted from dealing with the property. However, in the motion, taken out by the plaintiff, an injunction was granted against the appellant. Hence this appeal.

2. After hearing the parties, it is clear that it is a question of title to the property and the rights of respective plaintiff and defendants. Therefore, in the interest of both the parties, it is necessary that the suit is to be decided as early as possible. Till then injunction to continue. The written statements have been filed. Hence the following order:-

:ORDER:

The appeal is disposed of with directions to the trial Court to decide the suit on merits in any case on or before 15th July 2005. Till then injunction to continue.

Both the counsel are agreed that they

will instruct the advocates conducting trial not to seek adjournments.

Both the parties to appear before the trial Court on 2.3.2005.

This order to be immediately communicated to the trial Court by the office as well as by both the parties.

Appeal is disposed of accordingly.

All concerned parties to act upon ordinary copy of this order duly authenticated by the Court Sheristedar.

[D.G.DESHPANDE]

22/02/2005 JUDGE.